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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,209	11/10/2003	Michel E. Gannage	01810.0021-US-1U	2940
22865 7590 05/31/2007 ALTERA LAW GROUP, LLC 6500 CITY WEST PARKWAY SUITE 100 MINNEAPOLIS, MN 55344-7704			EXAMINER MURPHY, RHONDA L	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 05/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/705,209

Applicant(s)

GANNAGE ET AL.

Examiner

Rhonda Murphy

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/28/06.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by LeBlanc et al. (US 2003/0189589 A1).

Regarding claims 1 and 13, LeBlanc teaches a method of transferring voice content from a mobile terminal (Fig. 2; 130) to a recipient in near real time as the voice content is spoken (page 3, paragraph 26-27), comprising: capturing segments of the voice content at predetermined intervals (page 3, paragraphs 26-27); respectively sending the segments at predetermined intervals as files over a wireless IP-enabled network (page 3, paragraph 26-27), the predetermined intervals of the sending step being respectively in near real time with the predetermined intervals of the capturing step (page 3, paragraphs 26-27); receiving the files from the network (page 8, paragraphs 80-81); and recreating the voice content from the files received in the receiving step (page 8, paragraph 81).

Regarding claims 2 and 14, LeBlanc teaches the method of claim 1 wherein the sending segments step is done over a TCP connection (page 1, paragraph 6).

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Regarding claims 3 and 15, LeBlanc teaches the method of claim 2 wherein the sending segments step is done using the notification channel (page 5, paragraph 51).

Regarding claims 4 and 16, LeBlanc teaches the method of claim 1. LeBlanc fails to explicitly teach the sending segments step done over a UDP connection.

However, it would have been obvious to one skilled in the art to send segments over a UDP connection, in order to avoid the overhead of checking whether the segments were actually received, and thus making the transmission faster and more efficient.

Regarding claims 5 and 17, LeBlanc teaches the method of claim 4 wherein the sending segments step is done using the notification channel (page 5, paragraph 51).

Regarding claim 6, LeBlanc teaches a method of recreating continuous audio content from segments thereof captured at predetermined intervals (page 3, paragraphs 26-27) comprising: respectively sending the segments at predetermined intervals as files over an IP network (page 3, paragraphs 26-27); receiving the files from the IP network (page 8, paragraphs 80-81) on a mobile phone (page 3, paragraph 28); and recreating the voice content from the files received in the receiving step (page 8, paragraph 81).

Regarding claim 7, LeBlanc teaches the method of claim 6 wherein the content comprises audio content. LeBlanc fails to explicitly teach the audio content comprising voice content.

However, it is known in the art that voice content is a form of audio content.

Therefore, it would have been obvious to one skilled in the art to include voice content as the audio content, in order to receive a stream containing voice.

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Regarding claim 8, LeBlanc teaches the method of claim 6 wherein the content comprises audio content. LeBlanc fails to explicitly teach the audio content consisting voice content.

However, it is known in the art that voice content is a form of audio content.

Therefore, it would have been obvious to one skilled in the art to include voice content as the audio content, in order to receive a stream containing voice.

Regarding claim 9, LeBlanc teaches the method of claim 6 wherein the receiving files step is done over a TCP connection (page 1, paragraph 6).

Regarding claim 10, LeBlanc teaches the method of claim 9 wherein the receiving files step is done using the notification channel (page 8, paragraphs 81-82).

Regarding claim 11, LeBlanc teaches the method of claim 6. LeBlanc fails to explicitly teach the receiving files step is done over a UDP connection.

However, it would have been obvious to one skilled in the art to receive files over a UDP connection, in order to avoid the overhead of checking whether the segments were actually receive, and thus making the transmission faster and more efficient.

Regarding claim 12, LeBlanc teaches the method of claim 11 wherein the receiving files step is done using the notification channel (page 8, paragraphs 81-82).

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Manasseh et al. (US 2005/0258942 A1)

- Brassil et al. (US 2004/0210944 A1)
- Monroe (US 2004/0230352 A1)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda Murphy whose telephone number is (571) 272-3185. The examiner can normally be reached on Monday - Friday 9:00 - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rhonda Murphy
Examiner
Art Unit 2616

RM



HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600